

Application of 6(f)

Section 6(f) of The Land and Water Conservation Fund Act of 1965 prohibits the conversion of any property acquired or developed with the assistance of the fund to anything other than public outdoor recreation use without the approval of the Secretary of the DOI.

Conversion of land developed with the LWCF will be considered if the following prerequisites have been met (coordinate with IDNR, Division of Outdoor Recreation, who is responsible for doing each of these prerequisites).

1. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
2. Replacement property of equivalent value, usefulness, and location is available.
3. The fair market value of both the part of the park proposed for conversion and the replacement must be established in appraisals.
4. An environmental document must be prepared for both the park land to be converted and the replacement land.
5. The proposed conversion and substitution must be in accordance with the state comprehensive outdoor recreation plan.
6. Coordination with other federal agencies should be completed prior to consideration of the proposal by the NPS.
7. The replacement land must be acquired in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. The substitute site may not be acquired nor the original project area converted until after the NPS has approved the conversion.

If a proposed highway project involves the acquisition of land acquired or developed with the LWCF, notification will come from the NPS or IDNR in the response to the early coordination letter. After notification by the NPS, the Division of Outdoor Recreation (IDNR) should be contacted to determine whether LWCF money was used for the particular parcel to be acquired. If the money was used elsewhere in the park but not for the parcel to be acquired section 6(f) procedures do not apply. Documentation from the Division of Outdoor Recreation confirming this should be included in the appendix to the environmental document. If LWCF money was used on the parcel to be acquired, the landowner (IDNR - Division of Outdoor Recreation, City, County, etc.) should, in cooperation with the IDNR, begin a search for replacement property. Likewise, the Environmental Assessment Section should be contacted for further guidance.

For Federally funded projects, section 6(f) involvement automatically means a section 4(f) document is also required. Preliminary approval of the 6(f) project by the NPS is required for the 4(f) document. Therefore, 6(f) studies must be conducted on a case by case basis.